

Decision No. C24-0881

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24AL-0275E

IN THE MATTER OF ADVICE LETTER NO. 871 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO INCREASE BASE RATES FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMER CLASSES, TO BECOME EFFECTIVE JULY 15, 2024.

**COMMISSION DECISION
GRANTING MOTION FOR ELECTRIFY AMERICA, LLC
TO BE EXCUSED FROM HEARING AND REQUEST FOR
EXPEDITED RESPONSE TIME**

Issued Date: November 27, 2024

Adopted Date: November 27, 2024

I. BY THE COMMISSION

A. Statement

1. On June 14, 2024, Black Hills Colorado Electric, LLC, doing business as Black Hills Energy (“BHCOE” or the “Company”) filed Advice Letter No. 871 with tariff sheets to revise base rate revenue for all electric service in the Company’s Colorado P.U.C. No. 11 Tariff, along with certain other changes to its tariff. Black Hills filed the direct testimony of 13 witnesses in support of its request.

2. Through this Decision, the Commission grants the Motion for Electrify America, LLC to be Excused from Hearing and Request for Expedited Response Time filed by Electrify America, LLC (“Motion”), on November 13, 2024. Electrify America may choose to not participate in evidentiary hearing if it desires.

B. Discussion, Findings and Conclusions

3. By Decision No. C24-0581-I,¹ issued on August 13, 2024, the Commission suspended the effective date of the tariff sheets filed with Advice Letter No. 871 an additional 130-days, to March 22, 2025, pursuant to § 40-6-111(1), C.R.S. By the same decision the Commission established the parties to this Proceeding.²

4. Electrify America filed testimony on October 11, 2024 in which it recommends that Black Hills “retain the LGS-SEV rate to ensure that [direct current fast charging] customers continue to have rate optionality and some measure of rate stability.”³ Through rebuttal, Black Hills indicates that it now proposes to continue offering the LGS-SEV and LGS-SNEV rate schedules for electric vehicle charging with the same price ratios and seasonality.⁴ As such, Electrify America considers its proposal to be unopposed. In its Motion, Electrify America requests to be excused from the hearing. Electrify America states that fair and efficient administration of the matter before the Commission justifies excusing Electrify America from the hearing currently scheduled for December 2-6 and December 9-11, 2024. Given the approaching evidentiary hearing, and intervening holidays, Electrify America requests an expedited response time of five business days in its Motion.

¹ Decision No. C24-0581-I was initially issued in error as Decision No. C24-0580-I. An Errata correcting that error issued on August 20, 2024.

² Parties to this Proceeding are: BHCOE; Staff of the Commission (“Staff”); the Colorado Office of Utility Consumer Advocate (“UCA”); the City of Pueblo, County of Pueblo, and Pueblo Economic Development Corporation (collectively “Pueblo”); Energy Outreach Colorado (“EOC”); Laborers International Union of North America, Local 720; Colorado Solar and Storage Association and the Solar Energy Industries Association (jointly “COSSA/SEIA”); Board of Water Works of Pueblo, The Fountain Valley Authority, and Colorado Springs Utilities/Southern Delivery System (collectively “Public Utility Intervenors”); City of Canon City and City of Florence (jointly “Canon City/Florence”); Electrify America, LLC; Western Resource Advocates/Sierra Club (jointly “WRA/Sierra Club”); Holcim (U.S.), Inc.

³ Hearing Exhibit 700, p. 14.

⁴ Hearing Exhibit 123, p. 23.

5. The Motion indicated that Pueblo was opposed to the relief sought in the Motion. As such, the Commission shortened response time to the Motion by Decision No. C24-0817, issued on November 12, 2024.

6. On November 24, 2024, Pueblo responded that it no longer opposed the Motion and that upon further review and discussion with counsel, it had no need cross examine Electrify America's witness, Mr. Jigar Shah.

7. Given that no party objects to Electrify America's absence from the hearing, and the reasonable and appropriate bases it cites for not participating in the evidentiary hearing, we find good cause pursuant to Rule 1400 of the Commission's Rules of Practice and Procedure, 4 *Colorado Code of Regulations* 723-1-1400(a), to grant the Motion. We therefore excuse Electrify America, its counsel, and its witnesses from the evidentiary hearing scheduled for December 2-6 and December 9-11, 2024. We stress, however, that Electrify America's absence from the evidentiary hearing waives its right to object to the offering and/or admission of any documentary or testimonial evidence presented at the evidentiary hearing.

II. ORDER

A. **The Commission Orders That:**

1. The Motion for Electrify America, LLC to be Excused from Hearing and Request for Expedited Response Time filed by Electrify America, LLC, on November 13, 2024, is granted, consistent with the discussion above.

2. Electrify America, LLC is excused from participating in the evidentiary hearing scheduled for December 2-6 and December 9-11, 2024.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 27, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director